

# **Neighborhood Business District Study**

City of Rye, New York

*Recommendations for Regulatory and  
Other Enhancements to the  
City's Neighborhood Business Districts*

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(A Committee formed by the Rye City Planning Commission)

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## EXECUTIVE SUMMARY

This study represents the culmination of nine months of review by the Rye City Planning Department and the Neighborhood Business District (NBD) Committee into possible regulatory and other enhancements to the City's Neighborhood Business Districts. The committee was created as an initiative of the Rye City Planning Commission and included four Planning Commission members, a member of the City's Board of Appeals and Traffic and Transportation Committee and a former City Council member.

Neighborhood business districts are important to the City because they provide a mixture of residential, professional, retail and service uses that meet an array of housing needs and business opportunities. With over 75 percent of all properties in Rye devoted to single-family use, it's essential that the City have land use policies that support and enhance these limited areas to meet community needs and preserve a diverse economic base.

Recent development activities and growing interest regarding potential future use of properties within the City's NBDs suggest that the City's current land use regulation may be inconsistent with the communities' vision for these areas. All of these areas have one thing in common – they are subject to the B-1 Neighborhood Business District regulations of the Rye City Zoning Code. The B-1 District regulations have remained essentially unchanged over the past fifty years and require a re-examination based on current trends and future community needs. Some properties of particular concern to the Committee within the 11 NBDs included in the studied are:

- The redevelopment of two vacant **gas stations at the end of Purchase Street** (NBD 6). These underdeveloped parcels have garnered considerable attention from the community over the years and are considered by many as a “gateway” to Rye requiring sensitive aesthetic treatment.
- The redevelopment of **five contiguous parcels in common ownership on Locust Avenue** (NBD 9). The combined area of these parcels, which are available for sale by the current owner, is approximately one acre. There is a range of development possibilities under current zoning including, four single-family dwellings, three two-family dwellings, approximately 15,000 square feet of retail or office development with more than 80 parking spaces or potentially some combination thereof.
- The conversion or redevelopment of the **1.25-acre A & P property** at the corner of Purdy Avenue and Boston Post Road (NBD 7). There have been periodic inquiries regarding the reuse of this property that appear to be prompted by business priorities of this national grocery chain. The property could support roughly 27,000 square feet of development (nearly double the current floor area) based on existing zoning, though providing the required parking would likely reduce the maximum development potential.
- The reuse or redevelopment of the **former “Black Bass Grill” restaurant** located at the intersection of Boston Post Road and Central Avenue (NBD 8). This currently vacant and deteriorating structure has been on the market for the past few months. Development options are limited on the approximately 3,800 square foot property due to existing zoning limitations, parking requirements, flood zone restrictions and other considerations.
- The development of the **County-owned property on the corner of North Street and Theodore Fremd Avenue** (NBD 11). The City of Rye's interest in the site began in 1993 when it was identified by the Commission on Human Rights and the Planning Commission, along with the Rye

Interfaith Council as a candidate for the construction of affordable housing. The construction of affordable housing is an important goal, which has been pursued by both the City and County for some time. The property is one of the few viable sites available for new development. The County is now interested in divesting this property. However, the property has contaminated groundwater, which was apparently caused by the Texaco station 200 feet to the west. New York State DEC has been addressing the problem, but not aggressively. City and County representatives continue to pursue the state's assistance in expediting the cleanup of the site and provide closure so that appropriate decisions regarding the site's future use can be made. Cleanup of the site will benefit the well-being of the community as well as open additional options to consider for development.

Section II of the study provides a complete inventory and analysis of the planning context including the Committee's definition of neighborhood business districts, classification and organization of NBDs by type, assessment of existing conditions, evaluation of recent and anticipated development possibilities, concerns and opportunities and evaluation of existing City Codes and Plans. Section III provides the Committee's recommendations to preserve and enhance the City's NBDs and is organized into four categories including: A) Changes in Permitted Uses; B) Changes to Building Bulk and Other Zoning Restrictions; C) Zoning District Boundary Modifications; and D) New Zoning/Planning Initiatives. Some of these recommendations include:

**A. Changes to Permitted Uses**

- **Prohibit Low-Density Residential.** Currently, the B-1 District permits single- and two-family dwellings on lots having an area of 5,000 and 6,000 square feet, respectively. There should be consideration of eliminating these low-density residential uses from at least some of the B-1 Districts since they compromise the integrity of a neighborhood business areas, particularly single-family dwellings.
- **Encourage Mixed Use Including Housing Over Stores.** Historically, neighborhood business areas had multiple uses in one building such as housing over stores. This use is an appropriate in an NBD since it is consistent with neighborhood character within and adjacent to B-1 District properties. Such uses also provide opportunities for expanding housing diversity and affordability in the City. These uses are also efficient uses of land since they can capitalize on shared parking opportunities.
- **Permit Multi-Family Dwellings.** As with apartments, over stores these uses are compatible with neighborhood business districts, particularly in areas near existing multi-family zoning and provide for more housing diversity in the City. In some cases a zoning change to allow multi-family housing would merely legalize a condition that has existed for decades and potentially encourage reinvestment in some poorly maintained structures.
- **Re-Consider Restaurant Restrictions.** No conforming restaurant can operate on any property in the B-1 District. Given the predominance of these uses despite decades of prohibition under the Zoning Code and the potential positive contribution restaurants can have on the character of Neighborhood Business Districts it is recommended that this restriction be reconsidered.

**B. Changes to Building Bulk and Other Zoning Restrictions**

- **Prohibit Flag Lots for Smaller Properties.** To address concerns regarding the high-density mix of residential and commercial uses, the NBD Committees recommends prohibiting flag lots on small properties (e.g. less than 10,000 square feet in area) within the B-1 District. This

development pattern can be disruptive to the street pattern, increase development intensity and create land use conflicts where the flag lot configuration involves different uses.

- **Review Bulk Regulations to Encourage Proper Scale.** The B-1 District should be reviewed, possibly with the assistance of a design professional, to evaluate ways in which the current regulations could be amended to encourage proper scale of new development. Techniques such as changes in maximum building size, maximum (as opposed to minimum) building setbacks, limiting the floor area of specific uses and other tools should be explored.
- **Modify Parking Requirements.** The parking requirements for uses permitted in the B-1 District should be re-evaluated. It is important that adequate off-street parking be provided for uses, however this requirement needs to be balanced against the impacts excessive parking can have on community character.

#### C. Zoning District Boundary Modifications

- **The west side of Maple Avenue should be rezoned from B-1 to RT, Two-Family Residence, District.** The B-1 District should be maintained on the east side of Maple Avenue. This side of the street currently has a fair number of commercial uses, which are more compatible with the uses permitted in the abutting B-6, *General Business*, District straddling Nursery Lane.
- **B-1 District zoning should be maintained at the corner of Maple Avenue and North Street.** The NBD Committee believes that a smaller B-1 District in this location could encourage a concentration of uses at this intersection that could better support true neighborhood business uses such as the corner store.
- **High Street is challenging and requires more detailed study to resolve a complex array of planning and zoning issues.** There was no consensus from the NBD Committee as to what changes should be implemented.
- **The two western-most properties on Oakland Beach Avenue should be changed from B-1 District to a residential zoning classification, possibly limited to one- or two-family residences.** This will preserve the scale and character of the Oakland Beach Avenue NBD.

#### D. New Zoning/Planning Initiatives

- **Implement Incentive Zoning Techniques.** The Committee recommends exploring incentive zoning techniques as a means of implementing needed public improvements for NBDs. For instance, density bonuses could be given for development projects that provide public off-street parking, open space, affordable housing or other defined community needs. Incentive zoning could also be used as a device to allow non-conforming uses to become conforming if certain improvements are made to the property such as landscaping, building renovation or other enhancements.
- **Enhance Design Requirements.** There is growing understanding of the importance of good design for small lot, mixed-use areas such as the City's NBDs. With the assistance of urban design professionals, the City should explore measures to encourage design that enhances community character. These strategies might include developing design guidelines, conducting design charrettes and considering form-based zoning techniques.

Implementation of many of the Committee's recommendations involve changes to existing City laws and will require Rye City Council approval. As the City's principal policy board, the Council will need to decide those recommendations in this study it would like to advance. The NBD Committee also recognizes that broader public input may be required involving area residents, property owners, business operators and other stakeholders who may be impacted. It is recommended that the Council rely upon the energies and experience of the City's Planning Commission to assist in the implementation process.

This study should be made available to the public to encourage discussion about the Committee's findings and recommendations and promoting a community conversation about the future of the City's neighborhood business districts. The recommendations provided in the study should be used as a guide by property owners, prospective land use applicants and other stakeholders to understand the planning context of the B-1 District and to suggest or pursue modifications in existing regulations or development patterns consistent with the Committee's recommendations.

## **I. INTRODUCTION**

Neighborhood business districts (NBDs) are important to the City because they provide a mixture of residential, professional, retail and service uses that meet an array of housing needs and business opportunities. With over 75 percent of all properties in Rye devoted to single-family use, it's essential that the City have land use policies that support and enhance these limited areas to meet community needs and preserve a diverse economic base.

Recent development activities and growing interest regarding potential future use of properties within the City's NBDs suggest that the City's current land use regulation may be inconsistent with the communities' vision for these areas. All of these areas have one thing in common – they are subject to the B-1 Neighborhood Business District regulations of the Rye City Zoning Code. The B-1 District regulations have remained essentially unchanged over the past fifty years and require a re-examination based on current trends and future community needs.

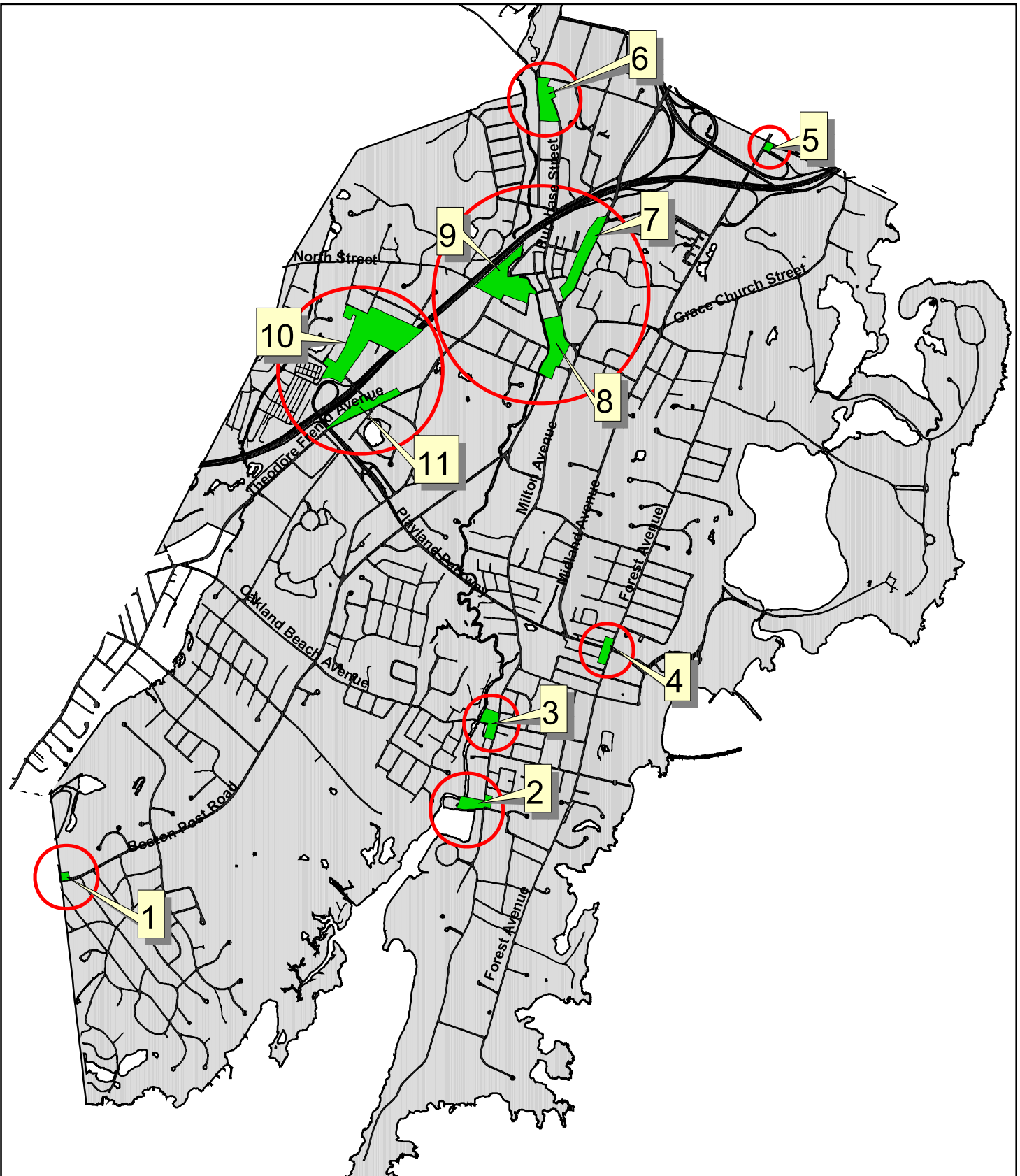
In response to these conditions, the Rye City Planning Commission established the Neighborhood Business District (NBD) Committee to review possible regulatory enhancements to the City's B-1 District. Between March and December 2004, the committee (which included four Planning Commission members, a member of the City's Board of Appeals and Traffic and Transportation Committee and a former City Council member<sup>1</sup>) met nine times to review each of the City's eleven B-1 Districts and other business areas. This report, prepared with the assistance of the City's Planning Department, includes the Committee's findings and recommendations and will be transmitted to the Planning Commission for their review. After Planning Commission approval the study will be forwarded to the City Council for their review and consideration for possible implementation of the recommendations contained herein.

This report consists of four sections. Section I is the introduction. Section II provides an inventory and analysis of the planning context including the Committee's assessment of existing NBD conditions, recent and future development trends, existing regulatory restrictions and prior planning efforts. Section III includes the Committee's suggested recommendations to preserve and enhance the City's NBD, including revisions to the Rye City Zoning Code and other planning initiatives. Section IV discusses next steps and what actions are necessary to implement the Committee's recommendations.



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<sup>1</sup> These members include Barbara Cummings, Martha Monserrate, Nick Everett and Peter Larr; Joe Sack, Brian Dempsey and Kathleen Walsh.

# Neighborhood Business District Study



**Figure 1: Neighborhood Business Districts**

 B-1 Zoning District Boundary  
 Roads



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Note: This map is intended for general planning purposes only.



## II. BACKGROUND

The NBD Committee began its study by conducting an inventory and analysis of the planning context including defining neighborhood business districts (NBD), classifying and organizing them by type, assessing existing conditions, evaluating recent and anticipated development possibilities and reviewing existing City Codes and Plans.

### A. Defining a Neighborhood Business District

There are 11 areas of the City zoned B-1 Neighborhood Business District on the Rye City Zoning Map. In addition to identifying NBDs based on their zoning classification, the Committee developed a definition of neighborhood business districts as follows:

*An NBD is part of a neighborhood and/or surrounded by a neighborhood that is primarily residential in character. Scale of buildings and density of development complement the neighborhood or form a transition between the neighborhood and adjacent more intensively developed business/other uses. The size of the district is adequate to permit a range of uses supporting the neighborhood needs. Residential uses are not primarily single-family. Business uses that serve a specialized or regional need or are otherwise not primarily neighborhood-based may be permitted along corridors such as major arterials that connect the NBD with other business districts.*

Based on the above definition two additional areas were included in the study that are not zoned B-1 including the gas station at the corner of Boston Post Road and Soundview Avenue and the area around Cedar Place/Midland Avenue/Grace Church Street. Table 1 provides a listing of all areas reviewed by the committee (see also Figure 1 for location).

**TABLE 1**  
**Rye City Neighborhood Business Districts**

|                          |                               |
|--------------------------|-------------------------------|
| 1 – Mamaroneck Line      | 7 – Boston Post Road          |
| 2 – Milton Harbor        | 8 – City Hall                 |
| 3 – Oakland Beach Avenue | 9 – Locust Avenue             |
| 4 – Forest Avenue        | 10 – Maple Avenue/High Street |
| 5 – Cottage Street       | 11 – Theodore Fremd Avenue    |
| 6 – Purchase Street      |                               |

### B. Neighborhood Business District Types and Classification

Though each of the 11 areas studied by the Committee were generally consistent with the definition of a NBD, the size, scale and character of each NBD in the City vary considerably. The Committee organized the NBDs into four types based on the relative degree of commercial or residential character of the business district and its surrounding area. Table 2 provides a description and classification of each NBD by type.

# Neighborhood Business District Study



## Existing Conditions - Mamaroneck Line (NBD 1)

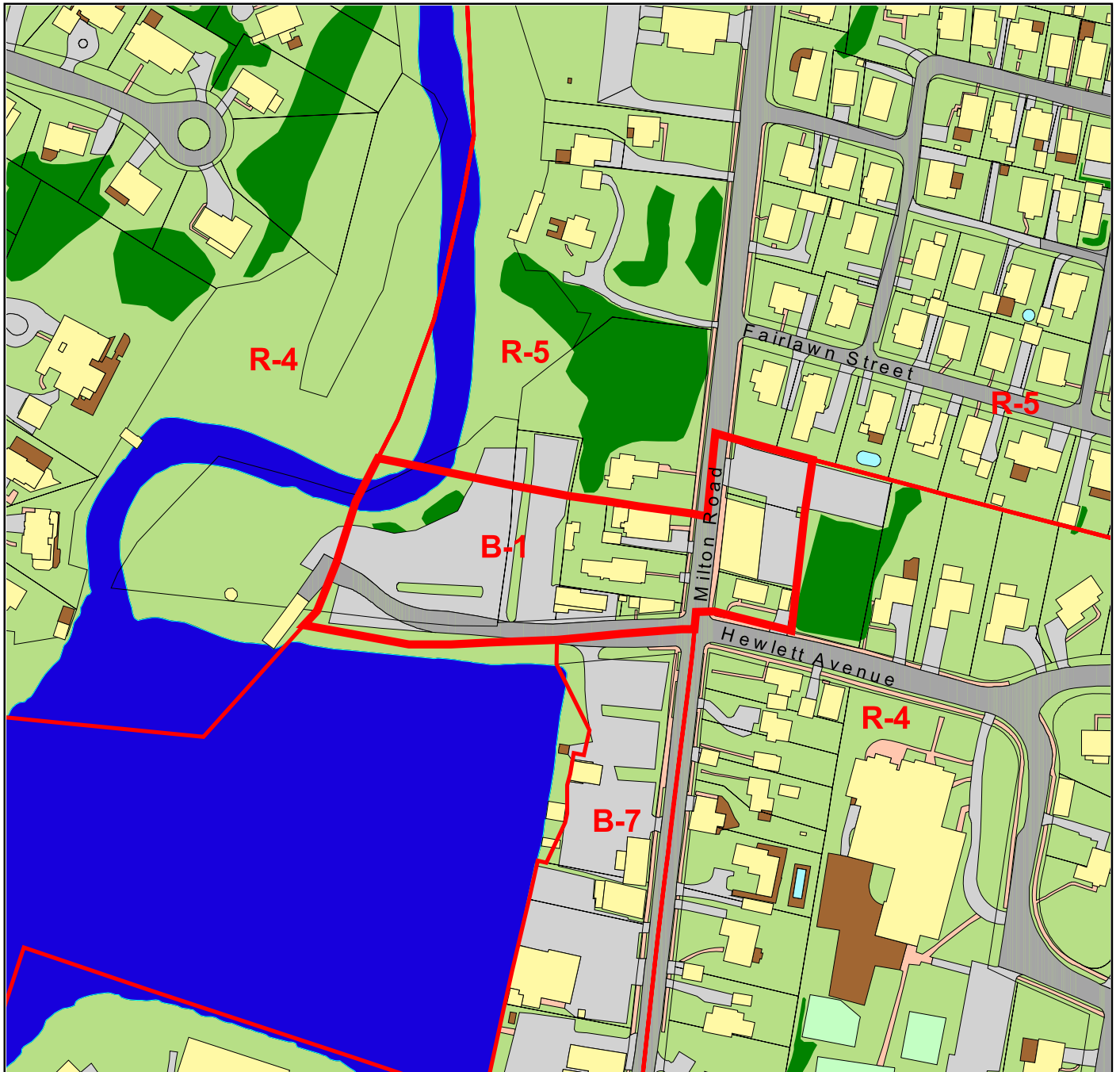
- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pond.shp
- Forest.shp
- Rec.shp

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# Neighborhood Business District Study



## Existing Conditions - Milton Harbor (NBD 2)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pond.shp
- Forest.shp
- Rec.shp

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**TABLE 2**  
**Classification of Neighborhood Business Districts By Type**

| <b>Type</b> | <b>Description of NBD Character</b> |                                 | <b>Neighborhood Business District Designation</b>   |
|-------------|-------------------------------------|---------------------------------|---|
|             | <i>District</i>                     | <i>Surrounding Neighborhood</i> |   |
| <b>A</b>    | Residential                         | Residential                     | 2 – Milton Harbor<br>3 – Oakland Beach Avenue<br>4 – Forest Avenue                              |
| <b>B</b>    | Residential                         | Commercial                      | 9 – Locust Avenue<br>10 – Maple Avenue/High Street  |
| <b>C</b>    | Commercial                          | Residential                     | 6 – Purchase Street<br>8 – City Hall  |
| <b>D</b>    | Commercial                          | Commercial                      | 1 – Mamaroneck Line<br>5 – Cottage Street<br>7 – Boston Post Road<br>11 – Theodore Fremd Avenue |

**Type A** districts tend to consist of only a few properties and have a smaller scale with lower intensity uses that are compatible with the largely residential character of the district and its surrounding neighborhood.

**Type B** districts tend to have a predominately residential character, however they abut areas that have relatively intense commercial uses. These districts support a higher intensity of use consistent with the mixed commercial and residential character of the surrounding neighborhood.

**Type C** districts have a commercial character that supports higher intensity uses and buildings have larger scale. These areas tend to abut residential neighborhoods.

**Type D** districts generally consist of predominately higher intensity, large scale commercial uses that abut commercial areas.

### **C. Neighborhood Business District Assessment of Existing Conditions**

To understand what changes are necessary to the City's NBD the Committee conducted an assessment of the existing conditions. Committee members conducted site inspections of each of the NBDs located in a B-1 District. The objective of the exercise was to review the existing character of each district and to assess its potential strengths, weaknesses, opportunities and threats. This assessment included an evaluation of existing neighborhood character, quality of physical development, opportunities for future development, over (or under) utilized properties and obvious planning concerns such as traffic flow, parking availability, use compatibility concerns and other observations.

Each Committee member ranked on a scale of 1 to 9 the degree to which the character of each area should be preserved, enhanced or rehabilitated. For instance, a ranking of 1 means that the area has mostly desirable characteristics and that the existing conditions should be almost completely preserved. A ranking of 9 means that Committee members felt the NBD requires substantial changes to correct existing undesirable conditions.

# Neighborhood Business District Study



## Existing Conditions - Oakland Beach Avenue (NBD 3)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
- Forest.shp
- Rec.shp

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# Neighborhood Business District Study



## Existing Conditions - Forest Avenue (NBD 4)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
- Forest.shp
- Rec.shp

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**TABLE 3**  
**Character Assessment of Neighborhood Business Districts\***

| NBD District                  | Median Rank | Assessment     |
|-------------------------------|-------------|----------------|
| 1 – Mamaroneck Line           | 4           | Enhancement    |
| 2 – Milton Harbor             | 2           | Preservation   |
| 3 – Oakland Beach Avenue      | 3           | Preservation   |
| 4 – Forest Avenue             | 5           | Enhancement    |
| 5 – Cottage Street            | 7           | Rehabilitation |
| 6 – Purchase Street           | 9           | Rehabilitation |
| 7 – Boston Post Road          | 5           | Enhancement    |
| 8 – City Hall                 | 5           | Enhancement    |
| 9 – Locust Avenue             | 3           | Preservation   |
| 10 – Maple Avenue/High Street | 7           | Rehabilitation |
| 11 – Theodore Fremd Avenue    | 6           | Enhancement    |

Table 3 provides the results of the Committee's assessment of the existing character of the NBDs. Districts 2, 3 and 9 were considered to have the most desirable characteristics and should be preserved. These areas had buildings of relatively small scale with a pedestrian orientation that served the local needs of the surrounding neighborhood. These areas tended to best match the Committee's definition of a neighborhood business district.

Five out of the 11 NBDs assessed by the Committee were deemed to have qualities and characteristics that were generally acceptable, however further enhancements to these areas were recommended. These areas tended to have a commercial character (i.e. Type C and D districts) that could benefit by improvements in traffic flow, parking conditions, aesthetic enhancements or other modifications.

The remaining three areas were considered by the Committee to require a more significant rehabilitation to correct existing undesirable conditions. These areas tended to have a broader mix of uses that had a higher degree of land use conflicts such as contractor businesses close to residences. These areas also had development intensities that may exceed available infrastructure capacities, particularly traffic and off-street parking. There were also aesthetic concerns with these areas where opportunities existed for landscape enhancements and the upgrading of buildings and properties.

#### **D. Recent Development and Future Issues and Opportunities**

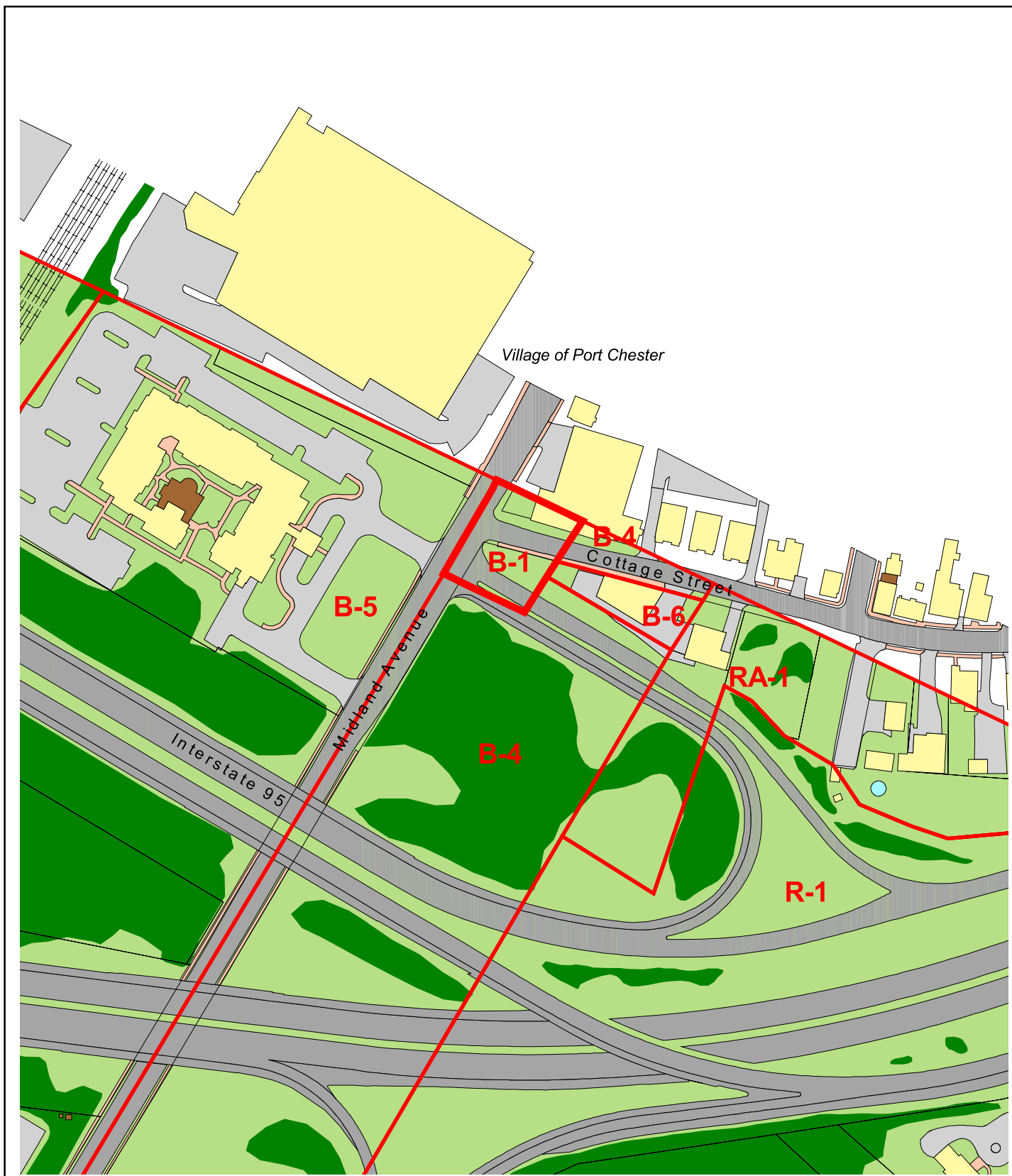
The NBD conducted a review of recent land use applications to understand current and future development trends within the City's B-1 Neighborhood Business Districts. The Committee also reviewed existing properties in the B-1 District to understand future development possibilities.

##### **1. Recent Development Approvals**

Relative to most other residentially zoned areas in the City, development activity in NBDs has been modest. With little vacant land available most activity in the last few years has been limited to redevelopment of existing properties. Notable projects include the following:

- Approval (but still un-built) of a vehicle dealership on Boston Post Road (NBD 7)

# Neighborhood Business District Study



## Existing Conditions - Cottage Street (NBD 5)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pwd.shp
- Forest.shp
- Rec.shp

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# Neighborhood Business District Study



## Existing Conditions - Purchase Street (NBD 6)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pond.shp
- Forest.shp
- Rec.shp

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- Construction or approval of three new contractor service businesses in the Maple Avenue/High Street Area (NBD 10)
- Conversion of an office building to a physical rehabilitation facility in the Maple Avenue/High Street Area (NBD 10)
- The approval of two, two-family dwellings on High Street (NBD 10)
- Construction of two, two-family dwellings on contiguous vacant parcels on Purchase Street (NBD 6)
- Reconstruction of a retail building on Boston Post Road opposite Central Avenue (NBD 8)

These and other projects have highlighted concerns with the current land use regulations, particularly the B-1 District. Some concerns include the lack of clarity regarding permitted uses and densities, the questionable mix of potentially incompatible uses, the under-utilization of commercially zoned properties for low-density residential use and the aesthetic and streetscape impacts of some development projects.

## 2. Future Development Issues and Opportunities

It is anticipated that most future development will continue to involve relatively small projects and the reuse of underutilized properties. It is not entirely clear how these NBDs will look or function based on the cumulative incremental continuation of recent development practices under current land use regulations. Changes in current regulations, guided by the input and involvement of affected stakeholders and area residents, will help provide for a more predictable outcome consistent with community needs and desires.

In addition to small projects, there are notable properties in NBDs that will likely undergo significant changes in the future. These properties because of their size, visual prominence or other considerations create both potential concerns and opportunities for future development that will impact the character of the City's neighborhood business districts. Examples of these properties include:

- The redevelopment of two vacant **gas stations at the end of Purchase Street** (NBD 6). These underdeveloped parcels have garnered considerable attention from the community over the years and are considered by many as a "gateway" to Rye requiring sensitive aesthetic treatment.
- The redevelopment of **five contiguous parcels in common ownership on Locust Avenue** (NBD 9). The combined area of these parcels, which are available for sale by the current owner, is approximately one acre. There is a range of development possibilities under current zoning including, four single-family dwellings, three two-family dwellings, approximately 15,000 square feet of retail or office development with more than 80 parking spaces or potentially some combination thereof.
- The conversion or redevelopment of the **1.25-acre A & P Property** at the corner of Purdy Avenue and Boston Post Road (NBD 7). There have been periodic inquiries regarding the reuse of this property that appear to be prompted by business priorities of this national grocery chain. The property could support roughly 27,000 square feet of

# Neighborhood Business District Study



## Existing Conditions - Boston Post Road (NBD 7)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
- Forest.shp
- Rec.shp

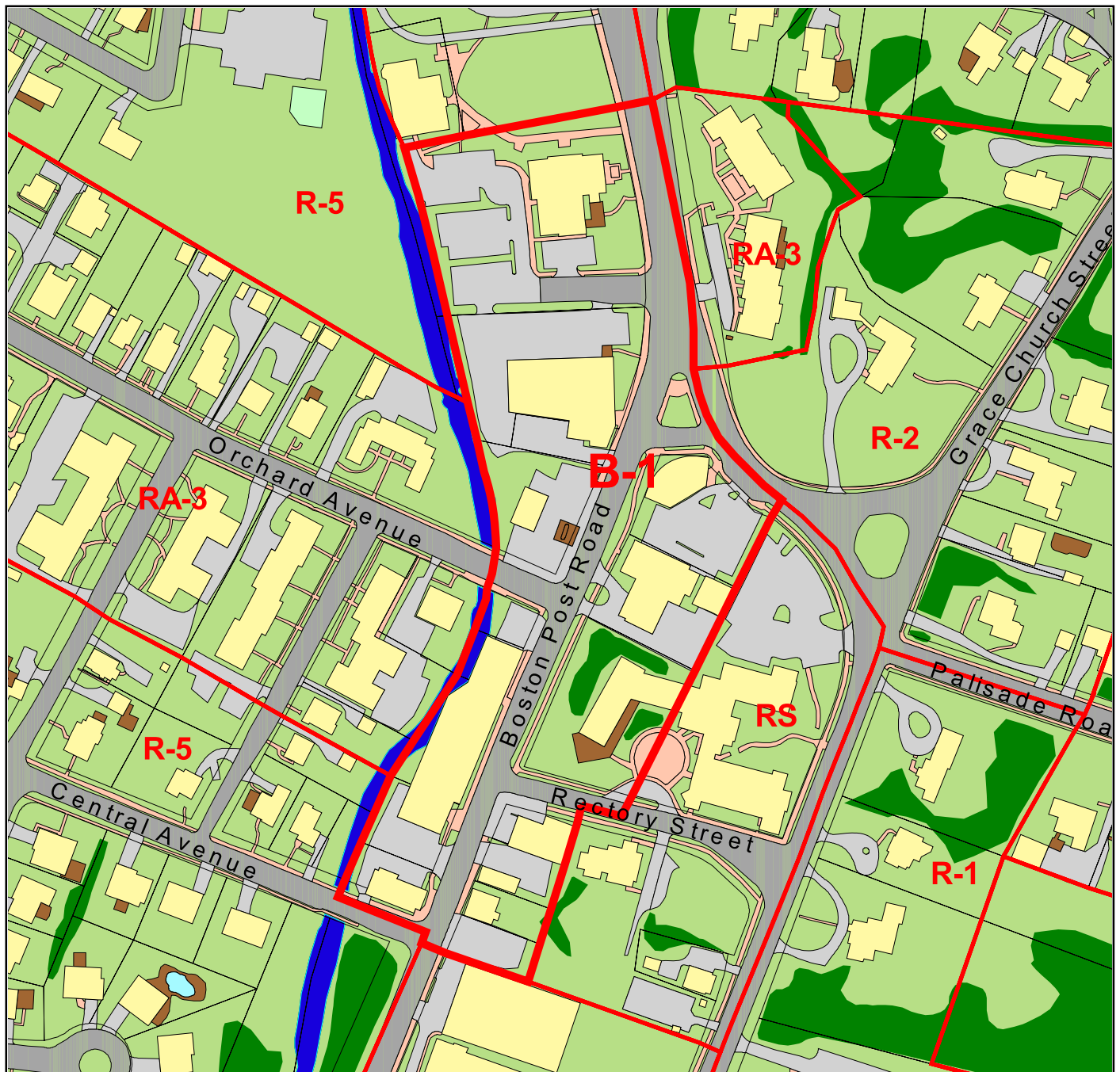
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# Neighborhood Business District Study



## Existing Conditions - City Hall (NBD 8)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
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development (nearly double the current floor area) based on existing zoning, though providing the required parking would likely reduce the maximum development potential.

- The reuse or redevelopment of the **former “Black Bass Grill” restaurant** located at the intersection of Boston Post Road and Central Avenue (NBD 8). This currently vacant and deteriorating structure has been on the market for the past few months. Development options are limited on the approximately 3,800 square foot property due to existing zoning limitations, parking requirements, flood zone restrictions and other considerations.
- The development of the **County-owned property on the corner of North Street and Theodore Fremd Avenue** (NBD 11). The City of Rye’s interest in the site began in 1993 when it was identified by the Commission on Human Rights and the Planning Commission, along with the Rye Interfaith Council as a candidate for the construction of affordable housing. The construction of affordable housing is an important goal, which has been pursued by both the City and County for some time. The property is one of the few viable sites available for new development. The County is now interested in divesting this property. However, the property has contaminated groundwater, which was apparently caused by the Texaco station 200 feet to the west. New York State DEC has been addressing the problem, but not aggressively. City and County representatives continue to pursue the state’s assistance in expediting the cleanup of the site and provide closure so that appropriate decisions regarding the site’s future use can be made. Cleanup of the site will benefit the well-being of the community as well as open additional options to consider for development.

The future redevelopment of these and other parcels in the B-1 District were evaluated by the NBD Committee. In many cases current regulation appeared to result in future development that would be potentially inconsistent with area conditions or the desired land use pattern for these areas. In other cases the extent of regulation was so limiting that it would likely require applicants to seek relief from existing zoning code provisions or “force” development that meets the requirements of the code, but may not be desirable from a land use planning perspective or community needs. For instance, some properties if redeveloped may construct at-grade parking with a building above to meet the City’s high minimum parking requirements for some uses such as retail. This would not be desirable from a streetscape or neighborhood character perspective. In other cases, preserving the status quo becomes the most economic use of the property, since significant upgrades or redevelopment would require compliance with current zoning district standards.

## **E. Existing City Codes and Plans**

There are a variety of plans, City Code regulations and prior studies that govern future development of the City’s neighborhood business district. The following provides a discussion of the existing regulatory environment in Rye and its potential implications on future development. The following discussion focuses on the provisions of the Rye City Zoning Code and the B-1 District, which is the principal regulatory tool governing land use.

### **1. Rye City Zoning Code and the B-1 Neighborhood Business District**

The City’s first zoning ordinance was adopted in 1923. The last comprehensive revision was in 1956; however there have been periodic amendments to the Zoning Code to address a variety of specific community needs. There has not been a comprehensive update of the

# Neighborhood Business District Study



## Existing Conditions - Locust Avenue (NBD 9)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pond.shp
- Forest.shp
- Rec.shp

City of Rye, New York  
Last Revised: Jan. 2005



Note: This map is intended for general planning purposes only.



# Neighborhood Business District Study



## Existing Conditions - Maple Avenue/High Street (NBD 10)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
- Forest.shp
- Rec.shp

City of Rye, New York  
Last Revised: Jan. 2005



Note: This map is intended for general planning purposes only.

Code in almost 50 years and some of provisions in the current code still preserve regulations from the 1923 ordinance. As a result there are instances where the existing code does not reflect current or future economic realities, development patterns, lifestyles or other community needs. For instance, areas along High Street and Maple Avenue permit retail use, yet none exists and is likely the result of economic or business conditions that require retail stores to be in more visible, high traffic locations. There should be consideration of eliminating this use from this area.

Most properties in the City's NBDs are regulated pursuant to the provisions of the City's B-1 Neighborhood Business District. This district specifies the types of permitted uses and maximum permitted development intensities such as building height, setbacks and floor area ratio (FAR).

The B-1 District permits a wide range of residential, business, institutional, recreational, automotive and utility uses. Currently, there are approximately 162 properties in the City's 11 B-1 Districts, approximately one-third of which are business uses and the remaining two-thirds consist of residential uses (see Table 4). Of these 162 properties approximately 20% are considered non-conforming uses that are not permitted by current B-1 District regulations many of which consist of multi-family and restaurant uses.

**TABLE 4**  
**B-1 District Properties Summarized by Use**

| Use                        | Number of Properties | Percentage of Properties |
|----------------------------|----------------------|--------------------------|
| Single-Family Dwelling     | 25                   | 15.4%                    |
| Two-Family Dwellings       | 36                   | 22.2%                    |
| Multi-Family Dwellings     | 33                   | 20.4%                    |
| Businesses                 | 59                   | 36.4%                    |
| City/Institutional/Utility | 8                    | 4.9%                     |
| Undeveloped                | 1                    | 0.6%                     |
| <b>TOTAL</b>               | <b>162</b>           | <b>100.0%</b>            |

The following provides a description of each of the permitted uses and development intensities in the B-1 District.

a. Residential Uses

The B-1 District permits single-family dwellings on a separate lot having an area of at least 5,000 square feet. Two-family dwellings require a minimum lot area of 6,000 square feet (i.e. 3,000 square feet per unit).<sup>2</sup> The bulk and dimensional restrictions mirror the standards for single- and two-family uses in the City's RT District, except that the B-1 District permits a slightly higher FAR of 0.50.

It is estimated that of the 162 properties in the B-1 District in the City, approximately 37% are devoted to single- and two-family residential use. The average size of these

<sup>2</sup> Table B of the Rye City Zoning Code currently states that 16,000 square feet of lot area is required for a two-family dwelling (i.e. 8,000 square feet per unit), but is considered a typographical error.



properties is 7,600 square feet for a single-family lot and 8,600 square feet for a two-family lot.

Over 20% of properties in the City's B-1 District have multi-family dwellings, most of which are considered non-conforming. A zoning text amendment adopted by the City Council in 1996 permits multi-family dwellings on just six properties located on Boston Post Road, north of Purchase Street and south of Purdy Avenue. Development potential is limited to a floor area ratio (FAR) of 1.0 and side and rear setback restrictions vary based on the height of the building.

With over 57% of the properties devoted to residential use in the B-1 District, many of the B-1 zoned neighborhood business districts do not have a commercial appearance as the district name would suggest. In some cases the lack of commercial activity or business use calls into question whether the B-1 District is the most appropriate zoning classification for the area. Furthermore, the large number of existing multi-family uses suggests that allowing this use may be an appropriate opportunity to expand housing diversity without adversely impacting existing community character in an area currently designated for neighborhood business development.

b. Non-residential Uses

Business or commercial establishments are the second largest category of use in the City's B-1 Districts, comprising 36% of all properties. Table 5 includes the list of non-residential uses permitted in the B-1 District. In many cases a permitted use has certain additional conditions that must also be met such as a location requirement or operational restriction. In 1989, the B-1 District regulations were amended to limit the hours of operation of all business operations abutting a residential district to 7:00 AM to 9:30 PM.

Non-residential uses in the B-1 District have very permissive bulk and dimensional requirements. The maximum FAR, story height and building height is the same as that permitted for residences. There is no minimum front, side and rear yard setbacks for non-residential buildings in the B-1 District, except where such uses abut a residence district. In those cases greater setbacks and/or vegetative buffer screens can be required.

**Restaurants** are a permitted use; however, they are restricted to properties located more than 150 feet from a residence district. It does not appear that any property in the B-1 District can meet this requirement, which was likely not the intent of the zoning restriction when it was implemented. The handful of restaurants that exist in the B-1 District are non-conforming and tend to be local focal points and contribute to the character of the neighborhood. These uses generate impacts that adversely impact surrounding neighbors (such as traffic, parking and refuse generation) and may have the potential to support live entertainment, which are not explicitly regulated in the City's Zoning Code.

**Automotive uses** such as gas stations are permitted in the B-1 District and exist in many of the City's NBDs. They tend to be located at high visibility intersections resulting in impacts on traffic flow and aesthetic concerns. The number of gas stations has declined over the years and no new station has been constructed. Some have converted to retail businesses, such as the vacant deli located at Locust and Theodore Fremd Avenue and the deli/pizza businesses located at the intersection of Milton Road and Oakland Beach

Avenue. Other former gas stations remain vacant, including two located at the northern end of Purchase Street (NBD 6).

**Professional offices** are permitted in the B-1 District. Many are located on Locust Avenue (NBD 9) and Purchase Street (NBD 6) within converted residences. The B-1 District limits these uses to certain streets and requires that in some locations professional offices be located in existing buildings. The intent of this requirement is to allow these uses, but to maintain the existing character of the neighborhood, which in most instances is largely residential. The undefined terms of “existing” or “new” buildings in this regulation lacks clarity.

It is interpreted that the term professional office does not permit medical office as a principal permitted use in the B-1 District. Medical offices do exist in the B-1 District suggesting that this distinction between medical and professional office be clarified.

**Service/contractor businesses** have been a popular use in recent years, particularly in the Maple Avenue/High Street Area (NBD 10). These uses are required to enclose vehicles and materials within a building and are an important use to the community. There have been concerns regarding the impact of these businesses on existing and proposed residences within the B-1 District. Increased building setbacks and screening requirements are not required when such uses are located within the same district.

**Outdoor Sales and Dining** is no longer permitted in the B-1 District. In 1998, the City Council amended the City Code to allow outdoor sales and dining subject to an annual permit. The conditions of the permit were so limiting that few properties met the locational requirements. Since this provision was not reenacted by the City Council, it expired in November 2000.

**TABLE 5**  
**B-1 District Permitted Uses**

| Permitted Use   | Additional Requirements  |
|---|--|
| <b>Bank</b>   | Limited to properties fronting on Boston Post Rd. between Central Ave. and Purchase Street   |
| <b>Full-Service and Fast-Food Restaurant</b>                              | Limited to properties with frontage on arterial highway or County road as designated on Sept. 1, 1958 and not located less than 150 feet from a residence district.  |
| <b>Offices for Clerical, Administrative, Professional and Agency Uses</b> | <p>In new and existing buildings, to include permitted additions thereto, on properties fronting on Cottage Street, Purchase Street north of Blind Brook Lane, North Street west of the New York State Thruway and Theodore Fremd Avenue southwest of its intersection with Hammond Road.</p> <p>In existing buildings only, to include permitted additions thereto, on properties fronting on High Street, Theodore Fremd Avenue northeast of Orchard Avenue, Locust Avenue, Elm Place, Smith Street, Boston Post Road north of Central Avenue, the southerly side of Blind Brook Lane and Purchase Street south of Blind Brook Lane.</p> <p>Any existing building to be converted shall conform to all</p> |

| Permitted Use   | Additional Requirements  |
|---|--|
|   | requirements of residential structures.  |
| <b>Retail and Service Business</b>  | Conducted Solely within a building and dealing directly with the ultimate consumer on the premises   |
| <b>Electric Substations</b>   | Local service only   |
| <b>Garages and Parking Lots</b>   | For less than 5 motor vehicles   |
| <b>Garages and Parking Lots</b>   | For more than 5 motor vehicles   |
| <b>Filling Stations</b>   | Without canopies   |
| <b>Government-owned and -operated outdoor amusement places</b>  | Only if at least 200 feet from any residence district and other government-owned and -operated indoor amusement activities, provided that soundproofing is deemed by the Commission adequate to eliminate adverse effect.  |
| <b>Lodging houses</b>   |  |
| <b>Outdoor sales of seasonal goods</b>  | Other than motor vehicles, under temporary permits.  |
| <b>Service business offices, such as woodworking, plumbing, roofing or electrical, including necessary shop and material storage facilities</b>   | Provided that all materials and all operations, including loading of trucks for service calls and overnight truck parking, are enclosed within a building, provided that the building exterior conforms to the character of retail business and other permitted uses and structures in the vicinity and provided that the operations are conducted at a level of noise and other effects consistent with such character.   |
| <b>Social clubs and lodges</b>  | Except where a chief activity is conducted primarily for gain.   |
| <b>Educational Use</b>  | Public schools and private and parochial schools with curricula similar to those of public elementary and secondary schools and operated under the Education Law of this state   |
| <b>Public recreational uses</b>   | Municipal recreation buildings, playgrounds, parks and reservations  |
| <b>Private recreational uses. Outdoor and indoor recreational uses, including but not limited to golf, badminton, tennis, paddle tennis, bathing, swimming and boating, with appurtenant clubhouses</b> | 1) A minimum site of 7.5 acres shall be provided. 2) The floor-area-to-lot-area ratio shall not exceed that permitted for a single-family residence in the district in which it is located, except that in an R1 Residential Zoning District 0.10 shall be the maximum permitted. 3) Fifty percent of any such site shall be natural ground cover, to include but not be limited to grass, trees, shrubs and plants. 4) No green or fairway shall be located within 1/2 the specified distance from any lot line. 5) Any building, parking lot or other recreational use shall be subject to the same regulations as specified for educational uses. |
| <b>Extension of welfare uses</b>  | Extension of home for the aged, religious institutions and public health research institutions operated by nonprofit corporations organized under the laws of this state, in existence on or for which a permit was authorized before  |

| Permitted Use  | Additional Requirements  |
|--|--|
|  | January 1, 1958.   |
| <b>Public uses</b>   | Federal, state, county or municipal buildings or uses, except any such use as is customarily conducted as a gainful business.  |
| <b>Nursery School</b>  | Duly licensed nursery schools for not to exceed 30 children, provided that at least 1,000 square feet of outdoor play area for each five children or fraction thereof is provided, located on the premises at such a distance and so screened from any lot line and from any residential structure on an adjoining lot as to avoid a noise nuisance.   |
| <b>Agricultural Uses</b>   | Nurseries, truck gardens, greenhouses and similar agricultural uses, provided that no greenhouse or other accessory building shall be located within the specified distance of any side or rear lot line and that there shall be no sale of products not growing or grown on the premises and not more than one unilluminated sign not over six square feet in area located behind the required front yard line. |
| <b>Railroad passenger stations and electric substations</b>            | for local service only   |
| <b>Temporary real estate sales office</b>                              | in connection with a subdivision containing 10 or more lots, located only on part of the property being or to be subdivided. Any such structure shall be removed six months after either the last lot in the subdivision shall have been sold or all required improvements shall have been completed whichever is earlier.   |
| <b>Religious uses. Churches and other places of religious worship.</b> |  |
| <b>Residential care facility uses</b>                                  | A residential care facility licensed or supervised by an appropriate state or federal agency to provide resident services and twenty-four-hour supervision to 10 or fewer mentally, emotionally, physically or socially disabled persons or for persons in need of supervision or juvenile delinquents,  |
| <b>Adaptive reuse of historic buildings.</b>                           | For a building designated as a protected structure pursuant to Chapter 117, Landmarks Preservation, of the Code of the City of Rye, and listed on the National Register of Historic Places,  |

## 2. Other City Laws and Regulations

### a. Floodplain Management and Wetlands Laws

Five of the thirteen NBDs in the City are located near or adjacent to Blind Brook. Development within the 100-year flood zone of this water body is subject to the requirements of Chapter 100, *Floodplain Management*, of the Rye City Code. This law

requires that residential development be elevated at least two feet above the 100-year flood elevation. Commercial development is permitted to be located below the 100-year flood zone elevation, however the structure must be flood-proofed.

Many of these same properties would also likely be within a 100-foot buffer of Blind Brook and would be subject to the requirements of Chapter 195, *Wetlands and Watercourses*, of the Rye City Code. Development within the buffer is required to obtain a wetland permit from the Rye City Planning Commission, which can restrict development consistent with sound environmental planning practices and require mitigation measures such as wetland plantings, water quality improvements or other measures.

These laws can present challenges for new development since it may require the economic considerations of property owners to be modified to accommodate the public safety and environmental protection objectives of the City Code. New residential development can be particularly difficult where the first floor of habitable space must be elevated above the 100-year flood elevation. In the Locust Avenue area (NBD 9), for instance the first floor elevation would need to be approximately eight feet above existing grade. This can create streetscape concerns, particularly if the City is seeking to maintain or create pedestrian-oriented buildings in this area.

b. Telecommunications Law

Chapter 196, *Wireless Telecommunications Facilities*, of the Rye City Code regulates the installation of cellular antennas in the City. The Code establishes priorities and encourages the location of telecommunication facilities on existing tall structures or commercially zoned areas.

Telecommunication facilities exist at 350 Theodore Fremd Avenue (NBD 11), consistent with the priorities of the Code. A 100-foot freestanding facility is proposed behind the commercial building located opposite Milton Harbor. However, a facility of this scale would not be appropriate in this location and would be inconsistent with the character of the area.

3. Rye City Development Plan

The Rye City Planning Commission completed the *Development Plan* in 1985. The plan, which remains the City's most comprehensive planning document, provides goals and policies for a wide range of community planning issues including business development. The two principal recommendations of Chapter 3, *Business Development*, of the Plan are:

- Maintain the city's existing economic base without making substantial changes in scale. (Development Plan, p. 27)
- Limit retail uses outside the CBD to neighborhood business areas in order to preserve the residential integrity of the neighborhood and the retail strength of the CBD. (Development Plan, p. 27)

Chapter 3 of the *Development Plan* discusses a broad range of business development issues, including office parks/corporate development, light manufacturing/warehousing and the Central Business District. With respect to Neighborhood Business Districts the *Development Plan* states:

*In general, aside from neighborhood convenience stores, the addition of scattered retail uses throughout the City is discouraged in order to maintain the strength of the Central Business District and to protect the integrity of residential areas. Areas classified as Neighborhood Business have been limited to those with existing neighborhood convenience stores, while other existing retail commercial areas outside the CBD have been designated as General Commercial. (Development Plan, p. 27)*

**Neighborhood Business.** *This category includes local convenience stores (food, drug stores, etc., and services) serving a nearby residential neighborhood. Existing neighborhood business centers occur at the intersections of Playland Parkway/Forest Avenue and Oakland Beach Avenue/Milton Road. No new Neighborhood Business areas are proposed. (Development Plan, p. 27)*

In addition, to Chapter 3, the Appendix of the *Development Plan* includes three neighborhood studies, all of which were part of this study. The plan states (p. 75):

*Most of Rye's residential neighborhoods are pleasant, economically viable areas with few of the problems often associated with older residential areas. However, there are three small areas in the City where blighted conditions and rundown buildings do exist. These include the Cedar Place-Midland Avenue area, the High Street-Maple Avenue area [NBD 10] and the New-Elizabeth-Purchase Streets area [NBD 6]. Because of the problems in these neighborhoods, including substandard housing conditions and lower income levels, it is necessary to look at them more closely than other areas of the City.*

Though it has been close to 20 years since the completion of the *Development Plan* some of the conditions cited above remain applicable. Some of the recommendations of plan for these areas are as follows:

- a. High Street-Maple Avenue area [NBD 10]
  - *Designate High Street as Office/Residential in the Plan, and rezone accordingly. The uses on High Street are neither strictly residential nor neighborhood commercial. Rather, the street contains commercial office uses as well as one, two and three family residential uses. The designation of the street for office/residential use (which encourages reuse of existing buildings) will hopefully encourage the improvement of existing residential uses, by assuring property owners that nearby buildings will continue to be used in a compatible manner. (Development Plan, p. 83)*
  - *Designate Maple Avenue as Medium Density Residential (8-14 units per acre). Maple Avenue is almost entirely a residential street and should be treated accordingly. The current neighborhood business zoning should be replaced by a multifamily category that permits two or three units in a building. In this way, property owners will be assured the continued residential use of the area, and will thus hopefully be encouraged to invest money in improving their buildings. (Development Plan, p. 83)*
  - *Designate the Nursery Lane area as Light Manufacturing/ Warehousing. The Nursery Lane commercial area functions well and has limited impact on*

*the adjacent neighborhood. Further, the proximity to the Thruway eliminates the potential for residential uses. The existing types of uses should be encouraged, as suitable areas for heavy commercial uses are limited in Rye. (Development Plan, p. 83)*

- *Preserve and Improve Gagliardo Park is the only public recreation area in Rye on the western side of the New England Thruway. (Development Plan, p. 83)*
- *Employ regulatory and available financial methods to upgrade residential buildings. (Development Plan, p. 83)*

b. New-Elizabeth-Purchase Streets area [NBD 6]

- *Designate the Purchase Street Office/Residential In the Plan. Retail commercial uses should be excluded from this stretch of Purchase Street in order to preserve the integrity of the CBD. However, the area is highly suitable for small professional offices (which need to be close to the business district and major highways) as well as multiple family housing. The zoning necessary to implement this designation should encourage the use of the existing houses on the street, and require that exterior renovations for office use maintain the residential character of the buildings. (Development Plan, p. 86)*
- *Designate the New and Elizabeth Street areas high density residential (30-35 units per acre). Because of the proximity to major highways, railroads, the Central Business District and the existing apartment developments in Purchase Street, and the need for improvement of sub-standard housing it is recommended that the New and Elizabeth Streets area be redeveloped for higher density housing. (Development Plan, p. 86)*

4. Other Prior Planning Studies

In 1987/88 the Rye City Planning Commission and City Council considered a proposal to adopt a new RT-1, Two-Family Residence District for properties along Purchase Street from New Street to Hillside Avenue. This proposal was an attempt to implement the recommendation of the *Development Plan*, which recommended converting this area to office/residential. This proposal was not implemented due to strong opposition by area neighbors. It is not clear from available information what specifically neighbors objected to, since the proposed zoning changes appeared to be relatively consistent with existing community character.

In 1989, the Rye City Planning Commission and City Council considered implementing restrictions on the hours of operation of businesses in the City's B-1 District. The study included a detailed listing of all businesses and their hours of operation. The Zoning Code was amended to limit the hours of operation of all business operations abutting a residential district to 7:00 AM to 9:30 PM.

### III. COMMITTEE RECOMMENDATIONS

Based on an understanding of the planning context and an assessment of existing conditions, the Committee considered a variety of recommendations. The principal objective of the NBD Committee for all of the following recommendations is to maintain or enhance, where practical, viable neighborhood business districts in the City, while also preserving a diverse mix of land uses. The following recommendations have been organized into four categories including: A) Changes in Permitted Uses; B) Changes to Building Bulk and Other Zoning Restrictions; C) Zoning District Boundary Modifications; and D) New Zoning/Planning Initiatives.

#### A. Changes in Permitted Uses

##### 1. Clarify Permitted Uses

The Zoning Code should be amended to clarify permitted uses in the B-1 District. The existing use list is subject to interpretation for basic questions such as: Is medical use permitted since it could be considered a permitted professional office? Is a retail service the same as a personal service such as a spa? At what point is a retail business offering food considered a restaurant? These and other questions should be considered and clarified in the Zoning Code.

##### 2. Prohibit Low-Density Residential

Currently, the B-1 District permits single- and two-family dwellings on lots having an area of 5,000 and 6,000 square feet, respectively. There should be consideration of eliminating these low-density residential uses from at least some of the B-1 Districts since they compromise the integrity of neighborhood business areas, particularly single-family dwellings. These uses consume limited commercially zoned land that should be reserved for more intense business and mixed-use development. It is important that the B-1 District complement the surrounding residential areas with appropriate uses, not identical residential uses. Otherwise, it is possible that over time these areas could transform into places that are indistinguishable from their abutting residential neighbors. Furthermore, as more residential uses proliferate within the B-1 District, business development becomes more difficult since it loses a critical mass to sustain a healthy business environment and faces potentially greater opposition from surrounding residential neighbors concerned with the impacts associated with business development.

**This recommendation is somewhat fundamental to what the City would like its neighborhood business districts to become in the future** or whether some of these areas are better suited to solely residential use. If there is consensus that such areas should have single- and two-family uses, the intent to create a true neighborhood business area should be questioned and there should be consideration of another possibly more appropriate zoning classification for the area.

##### 3. Encourage Mixed Use Including Housing Over Stores

Regulating development in a neighborhood business district is challenging because it attempts to mix a broad range of potentially incompatible uses on properties that are on average relatively small (i.e. less than 10,000 square feet). Historically, neighborhood business areas had multiple uses in one building such as housing over stores. In many cases



the business owner or employees lived above the store they worked in. Times have changed; however, housing over stores remains an appropriate use in an NBD that is consistent with neighborhood character and should be encouraged. Such uses also provide opportunities for expanding housing diversity and affordability in the City. These uses are also efficient uses of land since they can capitalize on shared parking opportunities.

It is recommended that the B-1 District be amended to permit housing over stores, particularly in areas that have multi-family housing within the immediate vicinity such as areas along Purchase Street, Boston Post Road or Locust Avenue.

#### 4. Permit Multi-Family Dwellings

The Rye City Zoning Code defines multi-family dwelling as any building with three or more units. In Rye, given current building and story height restrictions, multi-family typically involves a townhouse consisting of three or more attached units or low-rise (i.e. less than three stories) apartment buildings.

It is recommended that there be consideration of further zoning text amendments (such as those adopted in 1996) to permit multi-family housing in some of the City's B-1 Districts. As with apartments, over stores these uses are compatible with neighborhood business districts, particularly in areas near existing multi-family zoning and provide for more housing diversity in the City. Multi-family housing provides additional consumers that can help support businesses within the neighborhood business district. When located near mass transit, multi-family housing can also generate fewer vehicles and parking demands.

It is noted that many properties in the B-1 District have multi-family housing that is not currently permitted by the Zoning Code such areas on Maple Avenue, High Street and Locust Avenue. Multi-family housing continues to be a sizeable land use component of NBDs despite decades of prohibition and additional zoning regulations requiring the gradual elimination of non-conforming uses. In some cases a zoning change to allow multi-family housing would merely legalize a condition that has existed for decades and potentially encourage reinvestment in some poorly maintained structures.

#### 5. Re-Consider Restaurant Restrictions

No conforming restaurant can operate on any property in the B-1 District, yet restaurants and similar eating establishments, having an appropriate character and scale, can be an appropriate use in a neighborhood business district. Outdoor dining can also be appropriate if properly implemented. These enhancements, however, need to be balanced against possible quality of life impacts on neighbors. There are four operating restaurants in the B-1 District (e.g. High Street Road House [NBD 10] and La Panetiere [NBD 3], Dockside Deli [NBD 2] and On the Way Café [NBD4]), all of which are non-conforming due to a restriction that no such use can locate within 150 feet of a residence. No other property can meet this restriction since this restriction also prohibits any property in a B-1 District from operating a restaurant.

Given the predominance of these uses despite decades of prohibition under the Zoning Code and the potential positive contribution restaurants can have on the character of Neighborhood Business Districts it is recommended that this restriction be reconsidered. Such a review should involve the input of area neighbors and NBD property owners to determine whether such uses should be permitted in the B-1 District and under what circumstances.

**B. Changes to Building Bulk and Other Zoning Restrictions****1. Correct Typographical Errors**

It is recommended that the Zoning Code be amended to correct the typographical error regarding the minimum lot area for two-family dwellings in the B-1 District. This minimum required lot area for a two-family unit was inadvertently increased from 6,000 square feet to 16,000 square feet in connection with amendment to allow multi-family units in some B-1 District properties in 1998.

**2. Prohibit Flag Lots for Small Properties**

To address concerns regarding the high-density mix of residential and commercial uses, the NBD Committees recommends prohibiting flag lots on small properties within the B-1 District. Flag lots result in development being located behind one another rather than side-by-side oriented towards the street. This development pattern can be disruptive to the street pattern, increase development intensity and create land use conflicts where the flag lot configuration involves different uses. Flag lots can be an effective planning tool for large-lot residential zoning, but are generally discouraged from smaller lot mixed-use areas such as the B-1 District.

**3. Review Bulk Regulations to Encourage Proper Scale**

The NBD Committee recognizes the importance of scale on the character of neighborhood business areas. Development that is out of scale with its neighbors will disrupt the character of the area. The B-1 District should be reviewed, possibly with the assistance of a design professional, to evaluate ways in which the current regulations could be amended to encourage proper scale of new development. Techniques such as changes in maximum building size, maximum (as opposed to minimum) building setbacks, limiting the floor area of specific uses and other tools should be explored. The objective of these changes should be to preserve and enhance neighborhood character and other streetscape considerations while also preserving, to the maximum extent practical, current maximum development potential for properties in the B-1 District.

**4. Modify Parking Requirements**

The parking requirements for uses permitted in the B-1 District should be re-evaluated. In many cases the current standard is too high, particularly for retail businesses and professional office uses, which requires one space for every 100 square feet of floor area. It is important that adequate off-street parking be provided for uses, however this requirement needs to be balanced against the impacts excessive parking can have on community character. In some cases the parking requirements are similar to those required for suburban shopping malls and office parks rather than small neighborhood business districts.

High parking requirements can also discourage desirable uses. There are instances where redevelopment of property with as-of-right uses in the B-1 District cannot be implemented without a variance or often undesirable construction measures such as parking under buildings. For instance, the vacant building at the northwest corner of Boston Post Road and Central Avenue (formerly Black Bass Grill Restaurant) [NBD 8] is situated on a property that is less than 4,500 square feet in area. Even a modest retail building at half of the permitted floor area would require a large number of parking spaces that likely could not be provided on the site consistent with the requirements of the Zoning Code.

To address parking demand concerns, the Zoning Code could be amended to allow for other alternative parking arrangements such as reduced parking requirements for mixed use development and shared parking with other area properties. The fee-in-lieu of parking could also be reinstituted to allow non-compliant properties to pay a contribution towards a dedicated City fund that could be used to implement additional parking in the area.

## C. Zoning District Boundary Modifications

### 1. Modify B-1 District Boundaries for Maple Avenue and High Street NBD

The B-1 District for the Maple Avenue and High Street Area (NBD 10) consists of approximately 62 properties and is by far the largest B-1 zoned area in the City. Despite its size the district currently lacks any retail or service businesses, which are a cornerstone of a neighborhood business district. In addition, the size of this district, which comprises nearly 40% of all B-1 District properties in the City, is too large to constitute a “neighborhood” business district that supports local needs and is compatible with the surrounding residential area.

This area also maintains largely a residential character and consists of many one-, two- and multi-family uses. The lower intensity of these uses is better suited to the abutting residential districts and the available infrastructure. Future proliferation of commercial uses in the area based on current zoning would likely result in excessive burdens upon existing narrow one-way streets that lack adequate parking.

In order to better balance existing residential character with future business development needs, the NBD Committee recommends reducing the size of the B-1 District for the Maple Avenue and High Street Area (NBD 10). **The west side of Maple Avenue should be rezoned from B-1 to RT, Two-Family Residence, District.** Most of the current development on this side of the street is consistent with this zoning designation and would be compatible with the abutting residence districts (see figure following this page).

**The B-1 District should be maintained on the east side of Maple Avenue.** This side of the street currently has a fair number of commercial uses, which are more compatible with the uses permitted in the abutting B-6, *General Business*, District straddling Nursery Lane.

**B-1 District zoning should be maintained at the corner of Maple Avenue and North Street.** The NBD Committee believes that a smaller B-1 District in this location could encourage a concentration of uses at this intersection that could better support true neighborhood business uses such as the corner store.

**High Street is challenging and requires more detailed study to resolve a complex array of planning and zoning issues.** There was no consensus from the NBD Committee as to what changes should be implemented. The street has a mix of commercial, residential and non-conforming residential uses that are inconsistent with any current zoning classification in the City Zoning Code. The narrow width and one-way traffic pattern on this road may not be appropriate for non-residential uses, however a sizeable number of commercial properties exist. Encouraging the concentration of neighborhood businesses at the intersection of High Street and Maple Avenue appears reasonable from a planning perspective, but is likely unrealistic from a market perspective since retail and professional offices often require greater exposure along major roadways.

# Neighborhood Business District Study



## Summary of Zoning Recommendations - Maple Avenue/High Street (NBD 10)

- Zoning District Boundary
- B-1 Zoning District
- Bldg.shp
- Property Boundary
- Roads.shp
- Parking.shp
- Driveway.shp
- Hydro.shp
- Pool.shp
- Pad.shp
- Forest.shp
- Rec.shp

City of Rye, New York

Last Revised: Jan. 2005



Note: This map is intended for general planning purposes only.

The western-most end of High Street may be better suited to a residence district rather than the B-1 District. This change would, however, essentially reverse a zoning change made in 1985. Reverting to a residential zone would be consistent with the R-4 District on the north side of High Street, however the existing uses on this side of the street are non-conforming professional offices.

The portion of High Street located east of Maple Avenue requires further detailed examination, possibly with the assistance of a consultant, that addresses this complicated land use pattern. A new zoning classification may be appropriate in this location, such as one promoting office/residential development as recommended by the 1985 *Development Plan*. It is recommended that the neighborhood participate in a process that helps define what it would like this street to be in the future. Once a realistic vision is established for this area specific regulatory measures can be adopted.

## 2. Modify B-1 District Boundaries for Oakland Beach Avenue NBD

In order to preserve the scale and character of the Oakland Beach Avenue NBD, The Committee recommends reducing the size of the B-1 District in this location. More specifically, the two western-most properties on Oakland Beach Avenue should be changed from B-1 District to a residential zoning classification, possibly limited to one- or two-family residences. This change will also reduce potential over-development of these properties, which abut Blind Brook – an important environmental resource. An appropriate zoning classification will be necessary that respects and is consistent with surrounding zoning districts and the existing two-family use on the property closest to Blind Brook.

## D. New Zoning/Planning Initiatives

### 1. Implement Incentive Zoning Techniques

The Committee recommends exploring incentive zoning techniques as a means of implementing needed public improvements for NBDs. This zoning tool is generally applicable to larger properties that can sustain density bonuses or relief from other existing zoning restrictions (i.e. the “incentive”) in exchange for providing desired community amenities at no or significantly reduced cost to the City. For instance, density bonuses could be given for development projects that provide public off-street parking, open space, affordable housing or other defined community needs. Incentive zoning could also be used as a device to allow non-conforming uses to become conforming if certain improvements are made to the property such as landscaping, building renovation or other enhancements.

If this zoning device is implemented specific public amenities must be identified (e.g. streetscape enhancements to certain NBD streets, public parking, open space areas, etc.) and the appropriate incentives (e.g. density bonuses, parking reductions, etc.). These amenities might be targeted to specific properties such as the properties with redevelopment potential identified in section II.D.2 of this study. The following are possibly opportunities to apply incentive zoning:

- The *Development Plan* recommends that the five contiguous parcels located on Locust Avenue be acquired by the City for additional parking for the CBD. Given the estimated \$4 to \$5 million cost of these properties acquisition is unrealistic. However, an alternative development scenario could involve allowing future townhouse development on this property consistent with current permitted densities

in exchange for parking that would be available to the public on the rear of the property.

- Residents within the vicinity of the dilapidated gas stations at the end of Purchase Street regularly express concern with the condition of these properties and their impact on Rye's "gateway" appearance. Relief from some of the current bulk, dimensional, parking or other zoning restrictions could be granted for future development that provides streetscape enhancements, a community focal point or other similar aesthetic amenity.
- The redevelopment of the Food Emporium property could be coupled with appropriate incentives (such as density bonuses or building setback reductions) in exchange for a expanding and sharing public parking in the Central Business District. The City's Capital Improvement Program and 2001 parking study recommends expanding the parking deck at Carpark 5, which is located immediately adjacent to the Food Emporium property.

## 2. Enhance Design Requirements

There should be greater attention to building design and the aesthetic impact of future development on existing community character. Some of these concerns can be addressed with changes in bulk and dimensional requirements of the B-1 District, however additional urban design oriented strategies are recommended.

There is growing understanding of the importance of good design for small lot, mixed-use areas such as the City's NBDs. With the assistance of urban design professionals, the City should explore measures to encourage design that enhances community character. These strategies might include the following:

- **Design Guidelines.** Design guidelines for commercial development could be developed to encourage better design. This is recommended by the *Development Plan* for Central Business District properties, but could also be applied to properties in the B-1 District.
- **Design Workshops.** These are intensive multi-day events emphasizing public participation guided by urban designers and other professionals to examine an area and make specific recommendations. The resulting strategic plans can be used by decision makers to implement land use policies and guide future development. A charette would be particularly effective for the High Street (NBD 10) and Purchase Street (NBD 6) areas.
- **Formed-Based Zoning.** There is an emerging new form of land use regulation known as formed-based zoning. It attempts to integrate urban design into traditional zoning regulations, which tend to be overly focused on permitted uses. Formed-based zoning might be an effective technique in those areas where business development is encouraged, but preserving residential character is also desired.

## 3. Enhance Understanding of Retail Trends

Often planning studies fail to consider the impact of economic and market realities on land use policy. The NBD Committee acknowledges the recent loss of retail businesses in the

Central Business District and the apparent static interest in retail businesses in the City's B-1 District. These trends may be temporary or they may be the result of more significant changes in national or regional retail business strategies or specific conditions in the City.

Understanding these underlying conditions will help develop better land use policies that support, preserve and enhance retail businesses in the City. It is recommended that the Planning Commission (in partnership with local businesses) seek professional assistance to better understand economic trends and define what measures would be necessary to respond to changes in this business sector.

#### 4. Consider Surrounding Zoning and Other Area Conditions

In its discussions the Committee focused on B-1 District, but recognized that these areas should not be viewed in isolation. This is particularly true of B-1 Districts that abut other commercial areas such as along Purchase Street (NBD 6) or Locust Avenue (NBD 9). In some cases further examination of surrounding zoning provisions and land use policies may be necessary.

There are also other issues within the City's NBDs that require attention, but would generally not be addressed by regulatory enhancements to the City's B-1 District regulations. These include aesthetic improvements to buildings, traffic concerns at intersections, sidewalk conditions, on-street parking restrictions and other issues. Other measures would be necessary to address these concerns such as capital improvement planning and funding, property maintenance provisions and other City Laws.

#### **IV. NEXT STEPS**

Implementation of many the Committee's recommendations identified in Section III of this study involve changes to existing City laws and will require Rye City Council approval. As the City's principal policy board, the Council will need to decide those recommendations in this study it would like to advance. Many of the recommendations have complexities that will require further detailed evaluation beyond the scope of this study before implementation. The NBD Committee also recognizes that broader public input may be required involving area residents, property owners, business operators and other stakeholders who may be impacted.

It is recommended that the Council rely upon the energies and experience of the City's Planning Commission to assist in the implementation process. The Commission with the assistance of the Planning Department, other City boards, commissions or committees could conduct additional analysis and prepare specific law changes for the Council's consideration. In some cases additional assistance from design professionals, economists or other professionals may also be required.

This study should be made available to the public to encourage discussion about the Committee's findings and recommendations and promoting a community conversation about the future of the City's neighborhood business districts. The recommendations provided in the study should be used as a guide by property owners, prospective land use applicants and other stakeholders to understand the planning context of the B-1 District and to suggest or pursue modifications in existing regulations or development patterns consistent with the Committee's recommendations.